IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 13TH DECEMBER 2006 / 22ND AGRAHAYANA 1928

WP(C).No. 23638 of 2006(L)

PETITIONERS:

1. BINU VARGHESE, AGED 29,
   S/O.VARGHESE, PUTHUPARAMBIL HOUSE,
   MEMMOODU P.O., CHANGANACHERRY.

2. JOY JOSEPH, THUNDIPARAMBIL HOUSE,
   MAMMOODU P.O., CHANGANACHERRY.

BY ADV. SRI.VARGHESE PREM

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
   ITS PRINCIPAL SECRETARY, LOCAL SELF GOVERNMENT
   DEPARTMENT, GOVERNMENT SECRETARIAT,
   THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
   KOTTAYAM.

3. THE DISTRICT MEDICAL OFFICER,
   COLLECTORATE, KOTTAYAM.

4. MADAPPALLY GRAMA PANCHAYATH,
   REPRESENTED BY ITS SECRETARY, MAMMOODU,
   CHANGANACHERRY.

5. CIRCLE INSPECTOR OF POLICE,
   CHANGANACHERRY.

6. EBEN-EZER CHURCH,
   THE INDIAN PENTACOSTAL CHURCH OF GOD,
   MAMMOODU P.O., CHANGANACHERRY,
   REPRESENTED BY ITS PASTER.

R4 BY ADV. SRI.LAL GEORGE
R6 BY ADV. SRI.P.F.THOMAS (SR.)

SMT.A.K.RANI
SRI.RAYNOLD FERNANDEZ.N.
SRI.GOPAKUMAR.G.
SRI.DILEEP VARGHESE
SRI.C.S.YESUDAS
SRI.SHIJU VARGHEESE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/12/2006,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C. KURIAKOSE, J.

W.P.(C) No. 23638 OF 2006

Dated this the 13th day of December, 2006

JUDGMENT

The petitioners who are persons residing near to the plot in respect of which the 6th respondent-church has applied for a licence for the commencement of a cemetery complaint that licence has been issued to the 6th respondent in blatant violation of relevant rules, namely, the Kerala Panchayat Raj (Burial and Burning Ground) Rules.

2. Heard Sri.Varghese Prem, counsel for the petitioner, Sri.P.F. Thomas, Senior counsel for the 6th respondent, Sri. Lal George, counsel for the 4th respondent-Panchayat and Sri.K.J. Mohammed Ansar, learned Government Pleader.

3. Counter affidavits have been filed by the Panchayat as well as the 6th respondent. Counsel made submissions on the basis of the pleadings.

It is now clear that the 4th respondent-Panchayat with due recommendations has only forwarded the applications submitted by the 6th respondent for issuance of licence to the statutory authority, the 2nd respondent-District Collector. The District Collector is yet to pass final orders on the application. The Writ Petition will stand disposed of directed the District Collector-2nd respondent to pass final orders on the

application submitted by the 6th respondent in accordance with the procedure which is envisaged by Rule 6 of the Kerala Panchayat Raj (Burial and Burning Ground)Act , 1998. It is open to the petitioners to enter appearance before the District Collector, once the Collector issues the notification. It is needless to mention that the District Collector will conform to all relevant rules before taking final decision on the matter. Thus vacating the interim order, the Writ Petition will stand disposed of as above. The 2nd respondent will expedite the proceedings and will finalise the proceedings within the statutory period itself.

PIUS C. KURIAKOSE, JUDGE

btt